

REFERENCE TITLE: eminent domain; blight; elimination

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1015

Introduced by
Senator Gray

AN ACT

AMENDING SECTIONS 36-1473 AND 36-1478, ARIZONA REVISED STATUTES; RELATING TO SLUM CLEARANCE AND REDEVELOPMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-1473, Arizona Revised Statutes, is amended to
3 read:

4 36-1473. Finding of necessity by local governing body

5 A. A municipality shall not exercise any of the powers conferred on
6 municipalities by this article until its local governing body adopts a
7 resolution by a two-thirds vote finding both of the following:

8 1. One or more slum or blighted areas exist in the municipality.

9 2. The redevelopment of that area or areas is necessary ~~in the~~
10 ~~interest of the public health, safety, morals or welfare of the residents of~~
11 ~~the municipality~~ TO ELIMINATE A SLUM OR BLIGHTED AREA.

12 B. A municipality must notify the owner of real property that is
13 within the boundaries of a proposed redevelopment PROJECT area of the time,
14 date and location of a public meeting concerning the findings. The
15 municipality must provide this notice by first class mail to the address
16 stated on the most recent records of the county assessor.

17 Sec. 2. Section 36-1478, Arizona Revised Statutes, is amended to read:

18 36-1478. Eminent domain

19 A. A municipality may acquire by condemnation any interest in real
20 property, including a fee simple title to that real property, ~~that~~ it deems
21 necessary for or in connection with a redevelopment project TO ELIMINATE A
22 SLUM OR BLIGHTED AREA under this article, after the adoption by the local
23 governing body of a resolution declaring that the acquisition of the real
24 property described in that resolution is necessary for those purposes.

25 B. Before a municipality may initiate a condemnation action it must
26 make a good faith effort to negotiate the purchase of the property. If the
27 municipality determines that it cannot acquire the property without the use
28 of a condemnation action it must notify the property owner of the time, date
29 and location of the public meeting concerning the municipality's proposed
30 action. The municipality must provide this notice by certified mail to the
31 property owner's address as stated on the most recent records of the county
32 assessor.

33 C. The governing body of a municipality must authorize the
34 condemnation of real property by a vote of at least two-thirds of its
35 members.

36 D. A municipality may exercise the power of eminent domain in the
37 manner provided in ~~articles 2 or 3 of chapter 8~~, title 12, CHAPTER 8, ARTICLE
38 2 OR 3 or in the manner provided by any other applicable statutory provisions
39 for the exercise of the power of eminent domain.

40 E. Property already devoted to a public use may be acquired in like
41 manner, but real property belonging to this state or any political
42 subdivision of this state shall not be acquired without its consent.